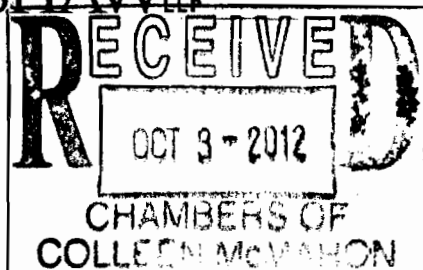
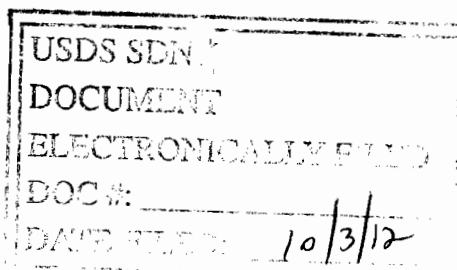


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MEMO ENDORSED

October 3, 2012

VIA FACSIMILE TO (212) 805-6326

The Honorable Colleen McMahon
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, New York 10007

OK - you can actually come in Friday morning after all
Colleen McMahon
10/3/12

Re: Oakley, et al. v. Verizon Communications, Inc., et al., 09-CV-9175 (CM) (MHD)

Dear Judge McMahon:

Our firm represents Defendants in connection with the above-referenced case. The parties were scheduled to attend a status conference before Your Honor on October 5, 2012 at 11:15 a.m. Yesterday afternoon, the parties received notice that the October 5 status conference has been rescheduled for October 4, 2012 at 10:30 a.m. We note, however, that the parties are scheduled to attend a telephonic settlement conference before Magistrate Judge Dolinger on October 4 at 2:00 p.m. in connection with ongoing settlement negotiations. The parties have already appeared twice before Magistrate Judge Dolinger, and are hopeful that tomorrow's conference with him will further the parties' efforts to resolve the claims of the various Oakley plaintiffs on mutually agreeable terms.

Both sides agree that they would be better able to apprise Your Honor of their progress in negotiating a settlement of this matter if the status conference before Your Honor occurs *after* Magistrate Judge Dolinger's settlement conference, as had been originally planned. In addition, Defendants' in-house legal representative had planned to travel from Boston to join me in appearing before Your Honor at the status conference. Both she and I have other commitments set for tomorrow. Specifically, I have a long-scheduled engagement with the NYC public school Chancellor in connection with a non-for-profit preschool education organization, the advisory board of which I chair, and respectfully request that the Court allow us to appear on another date so that I need not miss the meeting with the Chancellor

This request for adjournment is made jointly by both parties. Subject to Your Honor's availability, counsel for the parties propose that the status conference be rescheduled for October 12, 2012, when all counsel and Defendants' representative are available, or another mutually convenient date.

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The Honorable Colleen McMahon
October 3, 2012
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Thank you for Your Honor's consideration.

Respectfully submitted,

SEYFARTH SHAW LLP

A handwritten signature in black ink, appearing to read "Lorie E. Almon".

Lorie E. Almon

cc: Daniel Clifton, Esq. (via email)
Elaine Smith, Esq. (via email)
Beth Foley (via email)